

Department of Planning and Budget 2023 Fiscal Impact Statement

1. **Bill Number:** HB1550-E

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Campbell, J.L.

3. **Committee:** Passed the House

4. **Title:** Child abuse or neglect; findings of local department of social services, appeal.

5. **Summary:** Provides that in cases in which a teacher licensed by the Board of Education and employed by a local school board is found by a local department of social services to have committed child abuse or neglect, the teacher may, after exhausting all options for review by the local department and Commissioner of Social Services, petition the circuit court for a de novo review of such finding. Under current law, such persons may obtain review of the decision only in accordance with the Administrative Process Act (APA). The engrossed bill clarifies that such person is barred from filing any action for judicial review of the agency action or the hearing officer's decision under the APA.

6. **Budget Amendment Necessary:** Yes. Item 342.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars*</i>	<i>Positions</i>	<i>Fund</i>
2024	\$110,537	-	General fund
2025	\$110,537	-	General fund
2026	\$110,537	-	General fund
2027	\$110,537	-	General fund
2028	\$110,537	-	General fund
2029	\$110,537	-	General fund
2030	\$110,537	-	General fund

*The amounts above do not reflect a 15.5 percent local match.

8. **Fiscal Implications:** Currently, the Office of the Attorney General (OAG) provides legal services to the Department of Social Services (DSS) for all circuit court appeals, as the reviews are administrative reviews of the agency's finding. This bill would eliminate the involvement of the OAG, as the appeal is not an administrative review, but instead a trial de novo in the circuit court and would require local departments of social services (LDSS) to provide their own legal representation to handle the bench or jury trial. In state fiscal year 2022, local departments conducted 395 investigations on public school staff members, and 46

resulted in a founded disposition. Based on these 46 founded dispositions, legal costs for local departments are estimated at \$130,813 annually. DSS estimates the cost of an attorney at \$175 per hour and assumes half the appellants (23) would request jury trials, with an average need of 22.5 attorney hours, and the other half (23) would request a trial by judge, with an average need of 10 attorney hours [$\$130,813 = \$175 (22.5 \text{ hrs} \times 23 + 10 \text{ hrs} \times 23)$]. According to DSS, there is no federal funding allowable for these attorney costs; therefore, costs would be split 84.5 percent general fund (\$110,537) and 15.5 percent local match (\$20,276).

Additionally, this legislation would impact circuit courts, as they will be responsible for hearing the appellant's trial de novo as either a bench trial or a jury trial. Currently, the circuit courts conduct an administrative review of the agency's finding. Any fiscal impact on courts is unknown at this time.

The fiscal impact for the Office of the Attorney General is unknown at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Social Services, local departments of social services, Circuit Courts, Office of the Attorney General

10. Technical Amendment Necessary: No.

11. Other Comments: None.